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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,419	02/04/2004	Yoshio Mukaiyama	10517/209	1931
23838	7590	03/24/2006		
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			EXAMINER BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/770,419	Applicant(s) MUKAIYAMA, YOSHIO	
	Examiner Brian J. Broadhead	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-30-05, 2-4-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-14 are objected to because of the following informalities: The claims are unclear since the preamble of claim 1 recited "a vehicle" but it is never made clear if this vehicle is "the first vehicle". It appears it is, but nothing in the claims makes this clear. In claim 1, the phrase "from among the unspecified number of moving objects" should be presented in a way that makes it clearer that "the first moving object" is one of the "unspecified number of moving objects". Appropriate correction is required.
2. Claims 15, 16, 20, and 21 are objected to because of the following informalities: The claims are all independent claims that refer back to another independent claim. This is causing antecedent basis problems since the way the claims are written it appears that applicant is treating them as dependant claims. It is suggested that the claims be re-written with all the limitations of the other independent claims to make the antecedent basis clear for all the limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-16, 19, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the first moving object" in line 10. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 15 recites the limitation "the communication impeding intersection information" in line 2. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 15 recites the limitation "the moving object information" in line 3. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 16 recites the limitation "the radio-wave blocking object" in line 2. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 19 recites the limitation "the facility" in line 2. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 20 recites the limitation "the communication impeding intersection information" in line 2. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 20 recites the limitation "the moving object information" in line 3. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 21 recites the limitation "the information" in line 2. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 21 recites the limitation "the communication impeding intersection" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Lutter et al.,

6615137.

16. Lutter et al. disclose detecting device which detects the presence of an intersection ahead on a road on which a first vehicle is traveling based on predetermined map data; a receiving device which is provided in a communication apparatus enabling bi-directional communication between the first vehicle and an unspecified number of moving objects, said receiving device obtaining information by communication with a first moving object, from among the unspecified number of moving objects, which is on an intersecting road which intersects the road on which the first vehicle is traveling at the intersection when the intersection has been detected; an information generating device that generates at least one of intersection information relating to the intersection and moving object information relating to the first moving object based on the obtained information; and a transmitting device that transmits the generated information to a second moving object, from among the unspecified number of moving objects, which is on the road on which the first vehicle is traveling on line 25, on column 2, through line 29, on column 3, and in figures 3 and 10.

Allowable Subject Matter

17. Claims 1-16, 20 and 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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18. Claims 18 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


19. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not take into account and determine when there are obstructions near the intersection that would prevent communications. The closest prior art discloses relaying information all of the time to prevent sensors from being blocked at intersections but they do not actually determine that there is an obstruction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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